U.S. Department of Justice

United States Attorney
Eastern District of New York

SLR:LDM:CSK   *271 Cadman Plaza East*
F. #2014R00501   *Brooklyn, New York 11201*

March 2, 2018

By Hand and ECF

Honorable Kiyo A. Matsumoto
United States District Court Judge
225 Cadman Plaza East
Brooklyn, New York 11201

                  Re: United States v. Martin Shkreli
                          Criminal Docket No. 15-637 (S-1)(KAM)

Dear Judge Matsumoto:

As directed by the Court at the February 23, 2018 forfeiture hearing, the government respectfully submits for the Court's approval the enclosed revised proposed Preliminary Order of Forfeiture against defendant Martin Shkreli (the "defendant").

To address issues raised by the defendant in his request for a stay of the forfeiture, the enclosed contains modifications to the proposed order originally submitted by the government when it filed its forfeiture motion on November 30, 2017. Specifically, the enclosed provides for a stay of execution and seizure of substitute assets during the pendency of any appeal, but contains terms that will preserve the availability of substitute assets in accordance with Fed. R. Crim.P. 32.2(d) and 21 U.S.C. § 853(g). Additionally, the enclosed removes one of the substitute assets previously identified by the government which has been seized by the New York State Department of Taxation.

Should the enclosed meet with the Court's approval and pursuant to Fed. R. Crim. P. 32.2 (b)(4)(A), the government respectfully requests that this Preliminary Order of Forfeiture be entered and attached to the Judgment and Conviction, and that the forfeiture be pronounced at the sentencing of the defendant currently scheduled for March 9, 2018.

Respectfully submitted,

RICHARD P. DONOGHUE
United States Attorney

Claire S. Kedeshian

By: _____

Claire S. Kedeshian
Laura D. Mantell
Jacquelyn M. Kasulis
Alixandra E. Smith
G. Karthik Srinivasan
Assistant U.S. Attorneys
(718) 254-7000

Enclosure

cc: Clerk of Court (by ECF)
     Defense Counsel (via ECF and Email)

2